BEFORE THE LAFAYETTE REDEVELOPMENT AGENCY IN THE MATTER OF:

A Resolution of the Redevelopment Agency of the City of Lafayette Approving the Funding of Walkways Required to be Constructed by Developers	**Resolution No. R2009-03**

WHEREAS, the Redevelopment Agency of the City of Lafayette ("Agency") is engaged in activities necessary to execute and implement the redevelopment plan ("Redevelopment Plan") for the Agency's Redevelopment Project Area ("Project Area") pursuant to the provisions of the California Community Redevelopment Law (Health & Safety Code Section 33000 *et seq.*) ("CRL") and the Redevelopment Plan; and

WHEREAS, under certain circumstances, the City of Lafayette ("City") requires walkway improvements ("Walkway Improvements") as a condition of approval for the development of a project within the Project Area; and

WHEREAS, pursuant to Health & Safety Code section 33445, the Agency may, with the consent of the City Council, pay all or part of the costs related to the Walkway Improvements, under certain circumstances, and if the City Council makes certain findings; and

WHEREAS, the City has been negatively impacted by the economic downturn currently plaguing California; and

WHEREAS, the economic downturn has created a ripple effect across the community, causing a slowdown in the development of property; and

WHEREAS, the Agency had proposed to allocate a total of Two Hundred Fifty Thousand Dollars ($250,000) of the Project Area's tax increment fund balance for the purpose of assisting the Agency's payment to developers for the costs of constructing and installing the Walkway Improvements in the manner required and thus alleviating the cost of development of property; and

WHEREAS, up to Fifty Thousand Dollars ($50,000) shall be allocated per development wherein the construction of Walkway Improvements is a condition of approval, so long as the City Council makes the findings required pursuant to Health & Safety Code section 33445; and

WHEREAS, the Developer shall be required to submit a written application to the Agency for reimbursement of the cost of construction of Walkway Improvements upon the satisfactory completion of such Walkway Improvements; and

WHEREAS, the Agency has determined that pursuant to Section 15378(b)(4) of the California Environmental Quality Act ("CEQA") Guidelines the funding allocation contemplated in this Resolution is not a "Project" subject to CEQA review and is therefore exempt from CEQA requirements because it is a government funding mechanism or other government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

NOW, THEREFORE, THE GOVERNING BOARD OF THE LAFAYETTE REDEVELOPMENT AGENCY RESOLVES AS FOLLOWS:

Section 1. As long as this Resolution remains in effect, the Agency's Governing Board ("Governing Board") shall approve the use of tax increment from the Project Area to pay Developers for the cost of construction and installation of Walkway Improvements up to a total of Two Hundred Fifty Thousand Dollars ($250,000), so long as the City Council makes the determinations required pursuant to Health & Safety Code section 33445.

Section 2. As long as this Resolution remains in effect, the Governing Board shall approve the reimbursement of the cost of construction and installation of Walkway Improvements, up to Fifty Thousand Dollars ($50,000) for each development requiring such construction and installation, so long as the City Council makes the determinations required pursuant to Health & Safety Code section 33445.

Section 3. As long as this Resolution remains in effect, each developer shall be required to submit a written request to the Agency for the disbursement of funds from the Agency for the reimbursement of the cost of construction and installation of Walkway Improvements after the completion of the construction and installation of such Walkway Improvements. The developer shall submit proof of the cost of materials and labor required for the construction and installation of Walkway Improvements for the request to be considered by the Agency.

Section 4. The Executive Director is hereby authorized to take such actions and execute such other agreements as may be necessary or appropriate in administering the actions authorized in this Resolution.

Section 5. This Resolution shall take effect immediately upon its adoption by the Agency and shall remain in effect until December 31, 2009.

PASSED, APPROVED AND ADOPTED by the Agency Board this 23rd day of February 2009, by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Don Tatzin, Chair

ATTEST:

_____
Joanne Robbins, Agency Secretary